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J. Gordon Thomson, P.C.

Barrister & Solicitor
Registered Patent Agent
Registered Trademark Agent
1353 Mountainside Crescent
Ottawa, Ontario, Canada, K1E 3G5
Phone: 613 834 6166

Fax: 613 834 6167
INFO@CREATIVE-INTELLECT.COM

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OFFICE OF PETITIONS

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Date: Tuesday, July 5, 2005
Pages Including Cover: 17

To: Commissioner for Patents
Mail Stop Petitions
USPTO
Fax: 703 872 9306

Subject: US Application 10/727,484
Title: Improved Apparatus for Ground Support
Inventor: Rock Mongrain
Assignee: Stewart Mining Products Inc.
Petition to Withdraw Holding of Abandonment

Comments: Please find enclosed Petition.

Gord Thomson
Gord Thomson
Patent Agent
55,922

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JUL 14 2005

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Appn. Number 10/727,484

Rock Mongrain

GAU 3673

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appn. Number: 10/727,484
Appn. Filed: 12/05/2003
Applicant: Rock Mongrain
Title: Apparatus for Ground Support
Examiner/GAU: Lagman, Frederick Lyndon/3673

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Ottawa, Ontario, Canada
Tuesday, July 05, 2005

PETITION TO WITHDRAW HOLDING OF ABANDONMENT

Commissioner for Patents
Mail Stop Petition
P.O. Box 1450
Alexandria, VA
22313-1450
USA

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OFFICE OF PETITIONS

Dear Sir:

In response to the Notice of Abandonment dated 06/27/2005 Applicant hereby and respectfully petitions the Commissioner for Patents to withdraw the holding of abandonment of the above-identified application.

The above-identified application became abandoned allegedly for failure to file a timely and proper reply to the Office Action of 01/05/2005. A copy of the Notice of Abandonment is enclosed with this Petition.

Appn. Number 10/727,484

Rock Mongrain

GAU 3673

The Office Action of 01/05/2005 enclosed a Notice of Fee Deficiency in the amount of \$200. A copy of the Office Action of 01/05/2005 is enclosed with this Petition.

The Office Action response with the required amount was deposited with Canada Post in a United States Express Post envelope on 01/18/2005. A sample copy of the front and back cover of a United States Express Post envelope is enclosed with this Petition. It is to be noted that once the envelope is delivered to the United States Postal Service it relies upon Priority Mail of the United States Postal Service.

Applicant encloses a copy of the mailing receipt of the envelope used to transmit the response to the Office Action to the Office. The receipt has the tracking number LE050648084CA. Applicant has obtained a tracking report from the on-line service of Canada Post which is enclosed. The tracking report confirms delivery of the envelope with the Office Action response and payment on 01/25/2005 within the one-month deadline set by the Office Action. Applicant has obtained a tracking report from the on-line service of the United States Postal Service which confirms delivery of the Office Action response on 01/25/2005 at Alexandria VA., 22313.

Applicant effected payment of the fee deficiency with a Credit Card Payment Form using a VISA card. Applicant encloses a copy of the page of the VISA bill indicating a payment to the USPTO in the amount of \$200 on 01/28/2005.

Applicant respectfully submits that a reply to the Office Action of 01/05/2005 was timely filed and that payment of the fee deficiency of \$200 was received by the USPTO within the period allotted in the Office Action.

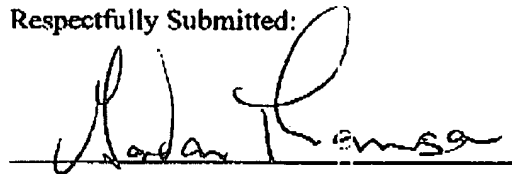
Therefore, Applicant respectfully requests withdrawal of holding of abandonment of the above identified patent application and the continued prosecution of the subject application by the Examiner.

Appn. Number 10/727,484

Rock Mongrain

GAU 3673

Respectfully Submitted:

A handwritten signature in black ink, appearing to read "Gordon Thomson", is written over a horizontal line.

Gordon Thomson (55,922)

Agent for the Applicant

(613) 834 6166

Appn. Number 10/727,484

Rock Mongrain

GAU 3673

Enclosures:

Notice of Abandonment 06/27/2005

Notice of Fee Deficiency 01/05/2005

Canada Post Express Post (USA) Envelope Front

Canada Post Express Post (USA) Envelope Back

Canada Post Express Post Receipt (USA) LE050648084CA

Confirmation of Delivery by Canada Post

United States Postal Service Tracking Report

Copy of VISA Bill indicating payment of \$200 to USPTO on 01/28/2005

Appn. Number 10/727,484

Rock Mongrain

GAU 3673

Certificate of Facsimile Transmission

I hereby certify that this correspondence (comprising 17 pages with cover sheet) is being transmitted by facsimile to the United States Patent and Trademark Office 703 872 9306 on the date shown below.

A handwritten signature in black ink, appearing to read "Gordon Thomson", is written over a horizontal line.

Gordon Thomson, (55,922)

Tuesday, July 05, 2005



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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/727,484	12/05/2003	Rock Mongrain		7268

42812 7390 06/27/2005

J. GORDON THOMSON
1353 MOUNTAINSIDE CRESCENT
OTTAWA, ON K1E 3G5
CANADA

EXAMINER	
LAGMAN, FREDERICK LYNDON	

ART UNIT	PAPER NUMBER
3673	

DATE MAILED: 06/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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232 TC
1043 8/4/5

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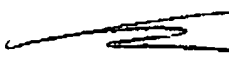
JUL 05 2005

Notice of Abandonment	Application No.	Applicant(s)	
	10/727,484	MONGRAIN, ROCK	
	Examiner	Art Unit	
	Frederick L. Lagman	3673	

— The MAILING DATE of this communication appears on the cover sheet with the correspondence address—

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 05 January 2005.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection. (A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:


Frederick L. Lagman
Examiner
Art Unit: 3673

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

U.S. Patent and Trademark Office
PTOL-1432 (Rev. 04-01)

Notice of Abandonment

Part of Paper No. 06212005



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UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/727,484	12/05/2005	Rock Mongruin		7268

42812 7590 01/05/2005
J. GORDON THOMSON
1353 MOUNTAINSIDE CRESCENT
OTTAWA, ON K1E 3G5
CANADA

EXAMINER

LAGMAN, FREDERICK LYNDON

ART UNIT PAPER NUMBER

1673

DATE MAILED: 01/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

*PAID
visa
16/01/05*



UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, DC 20231
www.uspto.gov

Paper No.

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NOTICE OF FEE DEFICIENCY

The informality regarding the payment of the fee is indicated below in connection with

- ☐ the original filing of the application and/or preliminary amendment (e.g. additional claim fees)
- ☒ the reply filed on 12/14/04 because of the _____. The reply is not fully responsive to the prior Office action following matter(s). See 37 CFR 1.111 and 37 CFR 1.135.

FEE(S) DUE

- ☐ 1. The reply (e.g., amendment) is considered incomplete in that the funds in Deposit Account No. _____ are insufficient to cover the entire fee due. The balance* is due within the time period set below.
- ☐ 2. The reply (e.g., amendment) is considered incomplete in that the Credit Card payment to cover the entire fee due to _____ Account (Card type + last 4 digits ONLY) was refused. The balance* is due within the time period set below.
- ☐ 3. The reply (e.g., amendment) has not been entered, since applicant has failed to remit (or authorize charge to a Deposit Account or Credit Card) the fee as indicated on the attached Patent Application Fee Determination Record. Remittance or authorization is due within the time period set below.
- ☒ 4. The filing fee of \$ _____ submitted in this application is insufficient. A balance of \$ 200.00 is due for presentation of excess claims (37 CFR 1.16(b) & (c)).
- ☐ 5. Other.

Explanation (Provide specific details of the required correction in order to assist the applicant. Indicate whether a service charge has been added to the fee due):

APPLICANT IS GIVEN A TIME PERIOD OF ONE (1) MONTH or THIRTY (30) DAYS FROM THE MAILING DATE OF THIS NOTICE, WHICHEVER IS LONGER, WITHIN WHICH TO REMIT THE FEE OR _____ IN ORDER TO AVOID ABANDONMENT. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136.

THE INDICATED AMOUNT OF THE FEE(S) DUE IS SUBJECT TO CHANGE YEARLY ON OCTOBER 1 (37 CFR 1.16 & 1.21). THE AMOUNT OF THE FEE(S) DUE IS DETERMINED AS OF THE DATE A COMPLETE REPLY IS RECEIVED BY THE OFFICE (37 CFR 1.8 & 1.10). BECAUSE THE AMOUNT DUE IS NOT NECESSARILY THE FEE INDICATED ABOVE, IT IS RECOMMENDED THAT APPLICANT CHECK THE CURRENT FEE SCHEDULE WHICH IS POSTED ON THE USPTO'S WEBSITE AT: <http://www.uspto.gov/web/offices/ac/ul/ope/fees.htm>

*Service Charges: There is a \$50 service charge for processing each payment refused (including a check returned "unpaid") or charged back by a financial institution (37 CFR 1.21(m)). There is a \$25.00 service charge for each month when the balance of a deposit account is below \$1000 at the end of the month (37 CFR 1.21(b)(2)).

Amelia Allen
Legal Instruments Examiner (LIE) or Clerk of Group

Inquires regarding this Notice should be addressed to the above at _____ (insert Phone Number).

PTOL-319 (Rev 3-02)

PATENT APPLICATION FEE DETERMINATION RECORD

Effective October 1, 2003

Application or Docket Number

10/727,484

CLAIMS AS FILED - PART I

	(Column 1)	(Column 2)
TOTAL CLAIMS	18	
FOR	NUMBER FILED	NUMBER EXTRA
TOTAL CHARGEABLE CLAIMS	18 minus 20 =	0
INDEPENDENT CLAIMS	3 minus 3 =	0
MULTIPLE DEPENDENT CLAIM PRESENT <input type="checkbox"/>		

* If the difference in column 1 is less than zero, enter "0" in column 2

CLAIMS AS AMENDED - PART II

	(Column 1)	(Column 2)	(Column 3)
AMENDMENT A	12/14/04	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR
Total	13	Minus	20
Independent	5	Minus	3
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM <input type="checkbox"/>			

1, 15, 17

	(Column 1)	(Column 2)	(Column 3)
AMENDMENT B		CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR
Total		Minus	
Independent		Minus	
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM <input type="checkbox"/>			

	(Column 1)	(Column 2)	(Column 3)
AMENDMENT C		CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR
Total		Minus	
Independent		Minus	
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM <input type="checkbox"/>			

- * If the entry in column 1 is less than the entry in column 2, write "0" in column 3.
 ** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20."
 *** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3."
 The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.

SMALL ENTITY TYPE ☐

OR OTHER THAN SMALL ENTITY

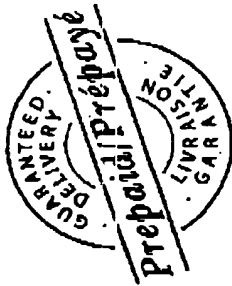
RATE	FEE		RATE	FEE
BASIC FEE	385.00	OR	BASIC FEE	770.00
X\$9=		OR	X\$18=	
X43=		OR	X86=	
+145=		OR	+290=	
TOTAL		OR	TOTAL	

SMALL ENTITY OR OTHER THAN SMALL ENTITY

RATE	ADDITIONAL FEE		RATE	ADDITIONAL FEE
X\$9=		OR	X\$18=	
X43=	200	OR	X86=	
+145=		OR	+290=	
TOTAL ADDIT. FEE	200	OR	TOTAL ADDIT. FEE	

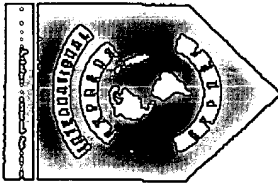
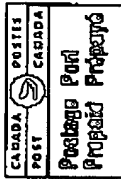
RATE	ADDITIONAL FEE		RATE	ADDITIONAL FEE
X\$9=		OR	X\$18=	
X43=		OR	X86=	
+145=		OR	+290=	
TOTAL ADDIT. FEE		OR	TOTAL ADDIT. FEE	

RATE	ADDITIONAL FEE		RATE	ADDITIONAL FEE
X\$9=		OR	X\$18=	
X43=		OR	X86=	
+145=		OR	+290=	
TOTAL ADDIT. FEE		OR	TOTAL ADDIT. FEE	



UNITED STATES
ÉTATS-UNIS

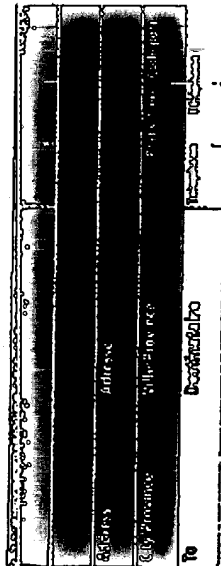




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State	Unit	Topsoil Code	Code Description
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Vous trouverez ci-dessous la date de la livraison et la signature de la personne qui a accepté l'envoi sous mentionné:

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Delivery Date (yyyy/mm/dd)

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2005/01/25

Signatory Name

Nom du signataire

Signature

Signature

Signature option was not requested.
L'option de signature n'a pas été demandée.

Yours sincerely,

Salutations distinguées,

Customer Relationship Network
1-888-550-6333

(from outside of Canada 1 416 979-8822)

Réseau des relations avec la clientèle
1 888 550-6333

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Label/Receipt Number: LE05 0648 084C A
Status: Delivered

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ALEXANDRIA, VA 22313.

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Account number

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Trans date	Post date	Description	Amount (\$)
JAN 28	FEB 2	US PATENT/TRADEMARK OF ARLINGTON VA 200.00 US DOLLAR @ 0.787060 **	254.11
FEB 2	FEB 3	LEXISNEXIS CANADA INC. KINGSTON ON	128.67
FEB 10	FEB 14	US PATENT/TRADEMARK OF 703-3085068 VA 100.00 US DOLLAR @ 0.786840 **	127.09
FEB 10	FEB 14	US PATENT/TRADEMARK OF 703-3085068 VA 100.00 US DOLLAR @ 0.786840 **	127.09
FEB 15	FEB 16	OPIC/CIPO-GOV'T CANADA GATINEAU ON	250.00
FEB 15	FEB 16	OPIC/CIPO-GOV'T CANADA GATINEAU ON	250.00
FEB 15	FEB 16	OPIC/CIPO-GOV'T CANADA GATINEAU ON	250.00
FEB 15	FEB 16	OPIC/CIPO-GOV'T CANADA GATINEAU ON	250.00
FEB 15	FEB 16	OPIC/CIPO-GOV'T CANADA HULL ON	20.00
FEB 15	FEB 17	CRC/SCP #0075554 ORLEANS ON	53.45
FEB 17	FEB 21	US PATENT/TRADEMARK OF 703-3085068 VA 65.00 US DOLLAR @ 0.792100 **	52.06
FEB 18	FEB 21	OPIC/CIPO-GOV'T CANADA GATINEAU ON	900.00
JAN 31	FEB 2	ABM PAYMENT - CIBC / PAIEMENT - GAP CIBC	-7,403.86
JAN 31	FEB 2	ABM PAYMENT - CIBC / PAIEMENT - GAP CIBC	-5,412.06
JAN 31	FEB 2	ABM PAYMENT - CIBC / PAIEMENT - GAP CIBC	-197.95

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